

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

HAROLD DEWAYNE FERGUSON,	§	
	§	
VS.	§	CIVIL ACTION NO.4:06-CV-200-Y
	§	
DOUGLAS DRETKE, Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

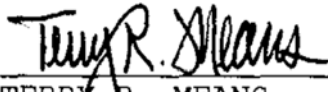
Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner Harold Dewayne Ferguson, along with the May 18, 2006, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until June 8, 2006 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation of the United States magistrate judge filed on May 18, 2006. The Court concludes that the petition for writ of habeas corpus should be dismissed without prejudice for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions and recommendation of the magistrate judge are hereby ADOPTED.

Petitioner Ferguson's petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE, except as to any application of the federal statute of limitations or other federal procedural bar that may apply.<sup>1</sup>

SIGNED June 16, 2006.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>A one-year statute of limitations is now applicable to the filing of non-capital § 2254 habeas corpus petitions in federal court. See 28 U.S.C.A. § 2244(d)(1-4)(West Supp. 2006). The statute of limitations is tolled, however, while a properly filed application for state post-conviction or other collateral review is pending. 28 U.S.C.A. § 2244(d)(2)(West Supp. 2006).